

Jane Doe 1, et al. v. Gov't of the U.S. Virgin Islands, et al.
1:23-cv-10301-AS

**Defendant Congresswoman Stacey Plaskett's Rule 8(G) Chart
Elements of Each Claim Not Plausibly Alleged**

III.A COUNTS I - III: VIOLATIONS OF THE TVPA

Time-based motions for failure to state a claim:

- All allegations of injuries accruing prior to the passage of the TVPA on December 19, 2003. *Velez v. Sanchez*, 693 F.3d 308, 325 (2d Cir. 2012)
- Allegations falling outside the TVPA's 10-year statute of limitations. 18 U.S.C. § 1595(c)(1).
 - *First complaint filed on November 22, 2023
 - Plaintiff Jane Doe 1 (for injury alleged between 2001 – Nov. 21, 2013)
 - Plaintiff Jane Doe 4 (injury alleged between 2001 – 2009)
 - Plaintiff Jane Doe 5 (injury alleged between 2001 – 2009)
 - Plaintiff Jane Doe 6 (injury alleged in 2004).
 - Class allegations accruing prior to November 22, 2013.

Count I: Failure to state a beneficiary claim under the TVPA:	
Elements	12(b)(6) Motion for Failure to Plausibly Allege Elements
Defendant knowingly received a benefit or something of value	
From participating in a sex trafficking venture	Failure to allege any non-conclusory facts suggesting participation in a sex trafficking venture
That the defendant knew or should have known was engaged in a violation of the TVPA	Failure to allege any facts giving rise to an inference that the defendant knew or should have known of a sex trafficking venture.

(Elements from *S.J. v. Choice Hotels Int'l, Inc.*, 473 F. Supp. 3d 147, 152–53 (E.D.N.Y. 2020) (quoting *A.C. v. Red Roof Inns, Inc.*, 2020 WL 3256261, at *4 (S.D. Ohio June 16, 2020)).

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Count II: Failure to allege elements of conspiracy to violate the TVPA	
Elements	12(b)(6) Motion for Failure to Plausibly Allege Elements
The Defendant agrees to enter into a joint enterprise;	No facts alleged that support an agreement to join an enterprise.
With consciousness of the general nature and extent of the joint enterprise	No facts alleged that Congresswoman Plaskett had knowledge of Epstein's sex trafficking operation.

(Elements from *Doe I v. Deutsche Bank Aktiengesellschaft*, 671 F. Supp. 3d 387, 412 (S.D.N.Y. 2023)).

Count III: Failure to allege elements of obstruction of enforcement of the TVPA	
Elements	12(b)(6) Motion for Failure to Plausibly Allege Elements
Knowledge of an effort to enforce the TVPA	No allegations of knowledge of an ongoing or contemplated effort to enforce the TVPA.
An intentional action to obstruct or attempt to obstruct enforcement	No allegation of any action taken to impede any ongoing or contemplated effort to enforce the TVPA.

(Elements from *Doe I v. Deutsche Bank Aktiengesellschaft*, 671 F. Supp. 3d 387, 409 (S.D.N.Y. 2023)).

III.B, C

COUNT IV: RICO

Time-based motions for failure to state a claim

- Failure to allege any claim accruing within the four-year statute of limitations. *Rotella v. Wood*, 528 U.S. 549, 552 (2000).

Failure to allege a RICO standing by showing a RICO injury

- Failure to allege economic injury (i.e., injury to business or property). 18 U.S.C. § 1964(c); *RJR Nabisco, Inc. v. Eur. Cnty.*, 579 U.S. 325, 350, (2016)

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Failure to plead a substantive RICO violation	
Elements	12(b)(6) Motion for Failure to Plausibly Allege Elements
The existence of a RICO enterprise	<p>Failure to allege an organization with a common purpose outside of the individual actors' own self-interest;</p> <p>Failure to allege any relationships between the participants of the purported enterprise;</p> <p>Failure to allege the existence of a continuing unit distinct from the alleged illegal acts;</p> <p>Failure to allege the existence of a continuing unit distinct from Jeffrey Epstein.</p>
The defendant invests in, maintains an interest in, or participates in a RICO enterprise	<p>Failure to allege any facts suggesting an investment or interest in a RICO enterprise;</p> <p>Failure to allege participation by showing management or control of an enterprise.</p>
The defendant commits two or more predicate acts	<p>Failure to identify any statutory predicate act;</p> <p>Failure to allege the elements of any identifiable predicate act;</p> <p>Failure to allege two predicate acts occurring with a 10-year time-period.</p>
In a pattern of racketeering activity	<p>Failure to allege any related predicates by the defendant or the enterprise;</p> <p>Failure to state facts sufficient to find open-ended continuity, specifically the threat of continuing illegal activity;</p> <p>Failure to allege close-ended continuity (related predicate acts extending over a substantial period of time).</p>
The activities of the enterprise affect interstate commerce	

(See Elements of a RICO claim from *Moss v. Morgan Stanley Inc.*, 719 F.2d 5, 17)(2d Cir. 1983).

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Failure to allege RICO Conspiracy	
Elements	12(b)(6) Motion for Failure to Plausibly Allege Elements
Defendant's knowledge of an agreement to engage in a pattern of racketeering activity;	Failure to assert facts supporting an inference that the defendant had knowledge of any sex trafficking ring or other racketeering activity.
Agreement by the defendant to commit predicate acts;	No non-conclusory allegations of any agreement to commit predicate acts; Failure to identify or plead any specific predicate act.
The completion of which would result in a substantive violation of the RICO statute;	Failure to plead the existence of a substantive RICO violation.
Knowing participation in the conspiracy by the defendant.	Failure to plead non-conclusory facts that would support an inference of knowing participation in a RICO conspiracy.

(Elements from *Black v. Ganieva*, 619 F. Supp. 3d 309, 329 (S.D.N.Y. 2022), *aff'd*, No. 22-1524-CV, 2023 WL 2317173 (2d Cir. Mar. 2, 2023)).

IV. COUNT IV: NEGLIGENCE

Time-based motions for failure to state a claim

- Failure to allege any claim accruing within the two-year statute of limitations. 5 V.I.C. § 31.

Failure to allege any elements of Negligence	
Elements	12(b)(6) Motion for Failure to Plausibly Allege Elements
A duty owed to the plaintiff;	No legal duty alleged;
A breach of the duty;	No breach of any legal duty alleged;
Resulting in injury proximately caused by the breach;	No injury alleged that was proximately caused by the breach of a legal duty.

(Elements from *David v. Weinstein Co. LLC*, 431 F. Supp. 3d 290, 305 (S.D.N.Y. 2019)).